

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JAMES TONEY,

Plaintiff,

vs.

MICHAEL HAKALA, et al.,

Defendants.

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Case No. 4:10-CV-2056-JAR

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion Requesting to Amend and Modify Summary Judgment Timeline filed February 11, 2013. [ECF No. 215] Plaintiff states that on January 23, 2013, he filed a Memorandum advising the Court that he was unable to provide his medical expert's opinion due to his family's inability to pay the balance owed to said expert. (Doc. No. 204) Plaintiff further states the Court misconstrued his Memorandum as a request for additional time to secure a medical expert and on January 29, 2013, granted him an additional thirty (30) days to either make arrangements with his current medical expert or retain another medical expert, when he made no such request. (Doc. No. 209) The Court also extended the deadline for Defendants to reply to Plaintiff's Response in Opposition to Defendants' Motion for Summary Judgment to March 15, 2013. Plaintiff asks the Court to set aside the thirty day extension and amend the deadline for Defendants to file their reply to his opposition to the motion for summary judgment. Upon consideration, the Court will grant Plaintiff's motion.

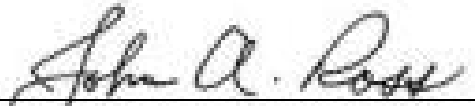
Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion Requesting to Amend and Modify Summary Judgment Timeline [215] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Court's Order of January 29, 2013 [209] is **VACATED**. As of February 11, 2013, Plaintiff is deemed to have responded to Defendants' Motion for Summary Judgment.

**IT IS FURTHER ORDERED** that the deadline for Defendants to reply to Plaintiff's Response in Opposition to Defendants' Motion for Summary Judgment is amended to **February 21, 2013**.

Dated this 12th day of February, 2013.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE